

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVONTE LOVE,

Petitioner,

v.

BRIAN FOSTER,

Respondent.

ORDER

19-cv-929-jdp

DaVonte Love, appearing pro se, has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 that contains both exhausted and unexhausted claims. Love asked the court to stay his habeas petition and hold it in abeyance while he takes his unexhausted claims to the state courts. In an April 30, 2020 order, I stated that Love did not present the court with enough information to tell whether he met the standards for staying a habeas petition under these circumstances. Dkt. 10. I directed Love to explain his plans for exhausting his unexhausted claims, the medical problems that he says are causing delays in exhausting the claims, and the factual details behind each of his unexhausted claims that show why each claim has potential merit. *Id.* But Love failed to do so, so I dismissed his unexhausted claims and I ordered the state to respond to his exhausted claims. Dkt. 13.

Love has responded to that order, stating that the reason he did not submit a response to my April 30 order was that he was hospitalized with COVID-19 and that he is still “very ill.” Dkt. 16. Love asks for another chance to respond to the April 30 order. I will grant that motion and give Love a short time to submit his response. Although he says that he is still very ill, his ability to submit his latest filing suggests that he should not need significantly more time

to respond to my order. Briefing on the habeas petition will be stayed pending a ruling on Love's response.

ORDER

IT IS ORDERED that:

1. Petitioner DaVonte Love's motion for an extension of time to respond to the court's April 30, 2020 order, Dkt. 16, is GRANTED. Love may have until July 14, 2020, to submit his response.
2. Briefing on Love's habeas petition is STAYED.

Entered June 30, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON

District Judge